

**WISHA Interim Operations Memorandum**  
**Washington Department of Labor and Industries**  
**#97-2-G**  
**FOCUSED SAFETY INSPECTIONS IN CONSTRUCTION**

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WISHA Policy & Technical Services

**Date Issued:** February 28, 1997

**Background**

Effective August 15, 1995, the Department of Labor and Industries began a trial program using "focused inspections" to conduct safety inspections in the construction industry. This program, which is designed to focus attention on the most hazardous areas of a construction site, is patterned after a similar program implemented by the federal Occupational Safety and Health Administration (OSHA).

This WISHA Interim Memorandum reiterates the necessary guidance to WISHA safety compliance inspection staff to implement the Focused Inspection Program in construction. It contains the same information provided by Assistant Director Frank Leuck's August 15, 1995 memorandum on the subject, which it replaces.

**Policy**

1. During all inspections conducted by WISHA compliance staff within the construction industry, the inspector will first conduct an opening conference consistent with the current agency instructions in the WISHA Compliance Manual.
2. All WISHA health inspections in construction will be conducted in accordance with previously established guidelines and practices and will not be affected by the focused inspections approach described in this document.
3. In the event of a safety referral, complaint, accident or fatality investigation, the inspector must inspect the worksite as necessary to address the items raised by the referral, complaint, accident or fatality. He or she should then proceed in accordance with #4 below.
4. During all programmed safety inspections within construction, the inspector will determine whether the site qualifies for a focused inspection by determining whether the prime, general or site-controlling contractor has both an effective safety program and a person responsible for and capable of implementing that program. The inspector will treat the inspection as a focused inspection until he or she has determined that a comprehensive inspection is necessary.

This determination will be based on the inspector's assessment of the comprehensiveness of the program, the degree to which it has been implemented, the presence of competent persons as required by relevant standards, and the means by which the program is enforced (including management policies and activities, effective employee involvement, and training). The inspector must make his or her determination based solely on the degree of effectiveness of the controlling employer's safety and health program. Individual employers on a multi-employer job site *cannot* qualify for a focused inspection.

*--policy continues on reverse of page--*

The inspector's assessment of the controlling contractor's safety and health program will be based on the following actions:

- a. The inspector must determine whether the controlling contractor has a competent person on hand to implement the program. Such a person must be . . .
  - \* knowledgeable about the employer's safety program;
  - \* knowledgeable about all safety and health equipment required at the site;
  - \* able to identify and correct safety and health hazards; and
  - \* able to provide on-the-job safety training as needed to correct unsafe practices.

Except where formal training is required by code, determination of a person's competence shall be based on knowledge of the hazards, appropriate protective measures and applicable code requirements. No one will be judged to be a competent person for the purposes of the Focused Inspection Program unless they have the *authority* to enforce the employer's safety and health program and all applicable state safety and health regulations.

- b. The inspector must not consider an employer's request for a warrant in determining whether the inspection will be focused or comprehensive.
- c. The inspector must determine whether written accident prevention programs, hazardous communication programs, etc. are in writing as required by applicable codes. However, in evaluating such programs the inspector must emphasize the effectiveness of the program rather than the elegance of the writing.

If the document is not required by code to be on site, its absence should not automatically disqualify the site from a focused inspection. The inspector must consider the complexity of the work, the degree to which the program's absence compromises the effectiveness of the program, and the knowledge of affected employees regarding the contents of the program.

- d. The inspector must evaluate the program's effectiveness in practice, using the Focused Inspection Worksheet (attached). Even if some areas should be improved, the inspector may determine that the program as a whole is adequate to justify a focused inspection.
- e. In evaluating the program's effectiveness in practice, the inspector must consider violations he or she has identified. However, the discovery of one or more serious violations does not automatically mean the safety and health program is ineffective. The inspector must exercise his or her professional judgment in deciding whether the serious violations he or she has identified require that the inspection be expanded to a comprehensive inspection. High gravity, imminent danger, or willful violations should normally result in a comprehensive inspection.

- f. In evaluating the program's effectiveness in practice, the inspector must also consider the safety of subcontractors' activities. If a subcontractor is working unsafely, the controlling contractor's safety and health program is usually not effective. The inspector must give close consideration to the controlling contractor's provisions for requiring and enforcing safe work methods by subcontractors. The inspector must apply the guidelines in WISHA Regional Directive 27.00 (the *Stute* WRD) to determine whether the controlling contractor is meting the duty of care required by law.
  - g. The inspector must document his or her evaluation of the program's effectiveness using the Focused Inspection Worksheet (all time blanks on the worksheet must be completed to allow evaluation of the program and the time it requires). He or she must also include a brief justification in the file to explain why a focused inspection was or was not conducted.
5. In the event that there is not a single controlling employer responsible for the job site, a focused inspection is not possible and the inspector must therefore conduct a comprehensive inspection.
  6. An inspector conducting a focused inspection is not required to inspect the entire job site. Once the inspector is confident that the employer's safety and health program is in fact effective in practice, he or she may terminate the inspection.
  7. During all closing conferences, the inspector must inform the employer and employee representatives whether the inspection has been focused or comprehensive.
  8. The inspector must cite all serious violations documented during the inspection.
  9. General violations that are abated during a focused inspection must not be cited. The abated violations and abatement measures may be noted in the file at the discretion of regional supervision.
  10. A focused inspection will be reported as a partial inspection on the WISHA 1. The IMIS code for focused inspections must include a notation of the total number of contractors affected. For example, if there is a prime and three subcontractors on the site, the inspection would be recorded as follows:

<u>Type</u>	<u>ID</u>	<u>Value</u>
N	14	Focus, 4